

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL BROWN, WILLIAM FANALY,
CHARLES THOMAS, GARY RIGGS,
ROBERT ORLIKOWSKI, and SCOTT WAY,

Plaintiffs,

Case No. 04-cv-72316

v.

Paul D. Borman
United States District Judge

CASSENS TRANSPORT COMPANY,
CRAWFORD & COMPANY, foreign
corporations, and DR. SAUL MARGULES,

Defendants.

/

ORDER (1) DENYING AS MOOT MOTION OF DEFENDANT CASSENS TRANSPORT
COMPANY TO STAY PROCEEDINGS (ECF NO. 141) AND (2) DISMISSING CASE

On May 7, 2013, Defendant Cassens Transport Company filed a Motion to Stay Proceedings in this case pending the issuance of an opinion by the *en banc* court of the United States Court of Appeals for the Sixth Circuit in *Jackson v. Sedgwick Claims Mgt. Servs.*, Sixth Circuit Case No. 10-1453. (ECF No. 141, Motion to Stay.) The Sixth Circuit issued its *en banc* decision in *Jackson* on September 24, 2013, *Jackson v. Sedgwick Claims Mgt. Servs., Inc.*, 731 F.3d 556 (6th Cir. 2013), expressly overruling the Sixth Circuit panel opinion in *Brown v. Cassens Transport Co.*, 675 F.3d 946 (6th Cir. 2012), in which the Sixth Circuit reversed this Court's opinion dismissing Plaintiffs' claims in this case, *Brown v. Cassens Transport Co.*, 743 F. Supp. 2d 651 (E.D. Mich. 2010). The mandate issued in *Jackson* on October 16, 2013. Accordingly, Cassens's motion for a stay pending the outcome of the *en banc* opinion in *Jackson* is denied as MOOT.

The Sixth Circuit's *en banc* opinion in *Jackson*, expressly overruling the Sixth Circuit's panel opinion in *Brown*, leaves this Court's September 27, 2010 ruling, granting Cassens's motions to dismiss and for summary judgment, as the operative opinion in this case. Accordingly, the case is DISMISSED.

IT IS SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: December 11, 2013

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 11, 2013.

s/Deborah Tofil

Case Manager